

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 24-20295-CR-BECERRA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRAYAN TOCHON-LOPEZ,
WILMER MOISES BARSELO,
JOSE FELICIANO LEMOS,
JESUS RODRIGUEZ,
LUIS ANDRES ZUNIAGA,
JORGE LUIS LOPEZ-ASTUDILLO,
EULIDES OLIVEROS-LUGO, and
STIVEN JOSE FLORES,

Defendants.

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UNOPPOSED JOINT DEFENSE MOTION TO CONTINUE
TRIAL AND ASSOCIATED DEADLINES

Mr. Brayan Tochon-Lopez, through counsel and joined by his codefendants, respectfully moves to continue trial and associated deadlines in this case by forty-five (45) days. The Government does not oppose the motion. In support, Mr. Tochon states:

1. The defendants in this case are charged by indictment with conspiracy to possess with intent to distribute cocaine while on board a vessel subject to United States jurisdiction, in violation of 46 U.S.C. § 70506(b) (count 1), and possession with intent to distribute cocaine while on board a vessel subject to United States jurisdiction, in violation of 46 U.S.C. § 70503(a)(1) (count 2). DE 14. For these offenses, they all face mandatory minimum sentences of ten years on each count.

2. Trial was originally scheduled for August 26, 2024, with a calendar call on August 20, 2024. DE 25. Mr. Tochon, and two of his codefendants later filed motions to continue trial, and trial is now set for January 27, 2025, with a calendar call on January 21, 2025. DE 54.

3. For the following reasons, Mr. Tochon and his codefendants hereby jointly request a forty-five (45) day continuance of this trial date. *First*, the requested continuance will allow counsel to complete her investigation and file an appropriate pretrial motion in the case. As undersigned indicated in her prior motion to continue trial, the discovery indicates that the vessel in this case was interdicted about 15 nautical miles from the coast of Venezuela. The defense had required time to confer with and obtain from the Government relevant supplemental discovery, and to investigate in light of *United States v. Alfonso*, Case. No. 22-10576, in which a writ of certiorari was filed this past December. *Id.*, at ECF No. 65, 77. After receiving necessary supplemental discovery, undersigned was away on an international trip to visit her elderly relatives for three weeks in December, and she was unwell for a week upon her return. The requested continuance will allow for her to devote adequate time and attention to the pretrial motion—in light of the most recent Eleventh Circuit case law and additional discovery—and will allow time for resolution of the motion.

Second, the requested continuance and trial setting will allow for all parties to be in the office for the trial date, and for the parties to have some time together to confer regarding a possible resolution of this case short of trial. In particular, Frank Quintero, counsel for Jorge Luiz Lopez, has a significant surgery scheduled on

January 17, 2025, and is expected to be away in recovery for four weeks. Aside from undersigned's December travel, AUSA Yvonne Rodriguez Schack too had been out of the office on a preplanned trip for five weeks, returning only yesterday. The parties have thus had more limited windows than expected to confer about this case, but with the benefit of a continuance, will have enough time with all parties back in the office.

4. The Government does not oppose the relief sought in this motion.

5. Wilmer Moises Barselo (represented by Marc Seitles), Jose Feliciano Lemos (represented by David Donet, Jr.), Jesus Rodriguez (represented by Roger Cabrera), Luis Andres Zuniaga (represented by Joseph Chambrot), Jorge Luis Lopez (represented by Frank Quintero), Eulides Oliveros-Lugo (represented by Jose Batista), and Stiven Jose Flores (represented by Dianne Caramés) have all indicated through counsel that they join in this motion.

6. Mr. Tochon acknowledges that pursuant to 18 U.S.C. § 3161, the period of this continuance will be excluded from the computation of applicable time for purposes of the Speedy Trial Act. A signed waiver will follow.

7. This motion is being filed in good faith and will not cause undue delay, particularly given the significant sentences faced by the defendants in this case.

8. A proposed order is attached and will be emailed to chambers.

WHEREFORE, Mr. Tochon, joined by his codefendants and without opposition from the Government, respectfully requests that the Court GRANT his unopposed motion to continue trial by forty-five (45) days, and associated deadlines accordingly.

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Respectfully Submitted,

HECTOR DOPICO
INTERIM FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I HEREBY certify that on **January 14, 2025**, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Srilekha Jayanthi